

OVERVIEW OF ZONING CHANGES UNDER DISCUSSION

1. Modification of the Development Consultation Threshold

A Large Project Development Consultation, which includes a public meeting to receive comments from concerned citizens, is currently required if new development of 6,000 square feet or more is proposed in the Massachusetts Avenue Overlay District. In other areas where such a procedure is also required, such as the Harvard Square and Central Square Overlay Districts, the threshold is typically 2,000 square feet. A reduction in the Massachusetts Avenue Overlay District from a 6,000 square foot threshold to 2,000 square feet is recommended.

2. Allowing Retail Uses in Residence C-2 and C-2A Districts

There are a number of existing retail stores in the residential zoning districts within the Massachusetts Avenue Overlay District, along Mass Ave between Everett and Wendell Streets. Because they are non-conforming uses in residential zoning districts, these stores might be replaced by other uses should any of their sites be redeveloped. Therefore, a new provision in the Overlay District is recommended that would allow those retail activities to be reestablished by special permit at their current locations or on other lots within the residential districts should their current sites be redeveloped.

3. Requiring Retail on the Ground Floor in Business A-2 and Business C Districts

There is neighborhood concern that institutional or housing expansion along Massachusetts Avenue might result in the displacement of active retail storefronts, thus weakening the retail vitality of the Avenue and reducing the availability of services to neighborhood residents. Retail activity might be preserved through regulations that would require commercial uses on the ground floor of new buildings in certain business-zoned parts of the Massachusetts Avenue Overlay District, specifically the Business C district at Porter Square and the Business A-2 district directly to the south of Porter Square. Further discussion of this possibility is recommended.

MODIFICATION OF THE DEVELOPMENT CONSULTATION THRESHOLD

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT***Current Zoning Text***

20.109 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern.* Development proposals exceeding six thousand (6,000) square feet in gross floor area shall be subject to the Large Project Review Procedure in section 19.43.

Proposed Zoning Text

20.109 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern.* Development proposals shall be subject to the Small and Large Project Review Procedures of Section 19.40 of the Zoning Ordinance.

Current Zoning Text

19.000 PROJECT REVIEW**19.40 Citywide Advisory Development Consultation Procedures****19.43** *Large Project Review Procedure*

19.43.1 Applicability of Large Project Review Procedure. For those zoning districts identified in Section 19.46 as Areas of Special Planning Concern, any development proposal involving the construction of a new building or new structure or an alteration of an existing building or structure that increase the gross floor by two thousand (2,000) square feet but less than twenty-five thousand (25,000) square feet.

ALLOWING RETAIL USES IN RESIDENCE C-2 AND C-2A DISTRICTS

Proposed Zoning Text

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

20.106.2 *Retail Uses in Residential Districts.* Where a lot in a Residence C-2 or C-2A zoning district contains Gross Floor Area devoted to any retail use in Section 4.35 or office use in Section 4.34, which was legally established on the lot prior to the adoption of this Section 20.100, that equivalent area of Gross Floor Area may be reestablished on the lot in any new construction on the site, or may be established on any other lot within the Overlay District in a Residence C-2 or C-2A district, and may contain any retail use permitted in Section 4.35 in a BA district, after the grant of a special permit from the Planning Board, subject to the following conditions and limitations:

1. The area devoted to retail use is located on the ground floor or basement of a building.
2. The retail area is so designed and located as to have no significant negative impact on adjacent residential or other uses permitted in the residential district, or adjacent neighborhood residential districts.
3. The area of such retail use does not exceed that area of retail use previously on the site.
4. The total Gross Floor Area on the lot for all uses does not exceed that permitted in the applicable base residential district.

In permitting the establishment of retail Gross Floor Area in a new building, the Planning Board may waive the yard requirements normally applicable in the residential district for that portion of the building containing the retail uses.

Any retail use reestablished and relocated under the provisions of this Section 20.106.2 may be further relocated at any time in the future after the issuance of an additional special permit. However, once the retail use is abandoned, as determined by the provisions of Article 8.000 it may not be thereafter reestablished under the provisions of this Section 20.106.2

REQUIRING RETAIL ON THE GROUND FLOOR IN BUSINESS DISTRICTS

Possible Zoning Text (for Discussion)

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

20.106.11 *(In Subdistrict 1)*, where a new building is (i) located in a BA or BC zoning district, and (ii) where at least 50% of the Gross Floor Area in the building is occupied by non-residential uses, the ground (first) floor of that building shall be occupied by any retail use in Section 4.35 or any office use in Section 4.34 a, b, c, and e permitted in the applicable base district, to the extent required in Section 20.106 above. Where it is subsequently proposed to convert the non-residential portion of such building in whole or in part to residential use, or where residential Gross Floor Area is proposed to be added through additions to the building, the ground floor requirements of this Section 20.106.11 shall continue to apply, notwithstanding any reduction in the non-residential Gross Floor Area below the 50% threshold set forth in this Section 20.106.11.

20.106.12 *(In Subdistrict 1)*, where an existing building (i) is located in a BA or BC zoning district, (ii) where at least 50% of the Gross Floor Area is occupied by non-residential uses, and (iii) where the building, when initially constructed, was intended to be occupied in whole or in part by non-residential uses, the ground (first) floor of that building shall be occupied by any retail use in Section 4.35 or any office use in Section 4.34 a, b, c, and e permitted in the applicable base district to the extent required in Section 20.106 above. Where it is subsequently proposed to convert the non-residential portion of such building in whole or in part to residential use, or where residential Gross Floor Area is proposed to be added through additions to the building, the ground floor requirements of this Section 20.106.12 shall continue to apply, notwithstanding any reduction in the non-residential Gross Floor Area below the 50% threshold set forth in this Section 20.106.12.

Considerations

- Should the city mandate specific uses on the ground floor of buildings?
- Should non-residential uses be mandated on the ground floor of residential buildings?
- What range of uses should be allowed to satisfy the requirement?
- How should retail/office design standards mandated in the Overlay District be applied to historic structures?
- How much of a building should be retail?
- Should there be a distinction between new construction and existing development?
- Could other mechanisms effectively encourage retail without requiring it, e.g. development incentives?

PLEASE NOTE: “Subdistrict 1” refers to the BC zoning district immediately surrounding Porter Square and the BA-2 zoning district directly to the south, as indicated by the red outline on the “Porter Square and Lower Massachusetts Ave. Zoning” map. This does not include BA-2 zoning districts to the north of Porter Square.